

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

CENTURY BUSINESS SERVICES, INC., et)	
al.,)	Case No. 1:01-CV-02166
)	
Plaintiffs,)	Judge Ann Aldrich
)	
v.)	
)	
KENNETH BRYANT,)	
)	<u>ORDER</u>
Defendant.)	
)	

Following a discovery telephone conference prompted by a December 5, 2006 letter from plaintiffs Century Business Services, Inc. and SR Business Services, Inc. (collectively, “Century”), the court issued an order on December 15, 2006 [Docket No. 77], directing defendant Kenneth Bryant (“Bryant”) to produce the documents sought by Century, redacting the specific contact person but leaving the name of the client corporation and the description of the work performed unredacted. The court ordered that Bryant produce these documents, which had been sought by Century for weeks before the court’s order, by no later than December 29, 2006. Bryant did not produce these documents until January 17, 2007 [Docket No. 80], one day *after* Century had filed a motion for sanctions [Docket No. 79] against Bryant for failing to meet the court’s deadline.

Despite filing notice of his “compliance” with the court’s order, Bryant has not even attempted to explain why he failed to produce the documents by December 29, 2006, failed to request more time, and failed to produce those documents until Century moved for sanctions. Bryant has had over one month to explain his conduct to the court, and has chosen not to do so. Therefore, because Bryant has violated the court’s December 15, 2006 order without explanation or excuse, the court grants Century’s motion for sanctions [Docket No. 79] and sanctions Bryant

pursuant to Federal Rule of Civil Procedure 37(b)(2).

Bryant is ordered to pay all reasonable attorneys' fees incurred by Century since December 5, 2006 in seeking production of the invoices, including but not limited to (a) preparation of the December 5, 2006 letter by Century's counsel, (b) preparation for and participation in the December 15, 2006 telephone conference, (c) any time spent by Century's counsel corresponding with Bryant's counsel since December 15, 2006 in attempting to secure production of the invoices, (d) preparation and submission of the motion for sanctions. Century shall submit a detailed account of the time spent seeking production of the invoices since December 5, 2006, and an affidavit setting forth lodestar rates for the type of work in this locality by March 9, 2007. The court shall then make its award of attorneys' fees.

IT IS SO ORDERED.

/s/Ann Aldrich
ANN ALDRICH
UNITED STATES DISTRICT JUDGE

Dated: March 1, 2007